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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,267	07/01/2003	Susan H. Matthews Brown	017242-011000US	4101

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EXAMINER

SANTOS, ROBERT G

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,267	Applicant(s) BROWN ET AL.	
	Examiner Robert G. Santos	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/01/03, 10/20/03, and on 11/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10202003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - 1) On page 2, in line 25: The phrase “the pillow of Fig. 1 held within a protective cover” should be changed to the phrase --an infant lying in the pillow of Fig. 1 according to the invention--.
 - 2) On page 2, in line 26: The phrase “an infant lying in the pillow of Fig. 1 according to the invention” should be changed to the phrase --the pillow of Fig. 1 held within a protective cover--.Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 9, and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pullman ‘453 (note especially Figures 1 & 2 and page 1, lines 38-61 & 71-83).

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4. Claims 1, 3-6, 8-10, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wallis '765 (note especially Figures 1-4; column 1, lines 42-73; and column 2, lines 1-2 & 21-23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallis '765.

Wallis '765 does not specifically disclose a condition wherein the pillow body (2, 4) has a length "in the range from about 14 inches to about 24 inches", and a width "in the range from about 8 inches to about 20 inches." It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pillow of Wallis '765 with a pillow body having a length in the range from about 14 inches to about 24 inches and a width in the range from about 8 inches to about 20 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman '453 in view of Clute '772, or alternatively, Wallis '765 in view of Clute '772. Pullman '453 and Wallis '765 do not specifically disclose the method step of wrapping the infant in a blanket prior to

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placing the infant onto the support pillow. Clute '772 provides the basic teaching of wrapping an infant (42) in a blanket prior to being placed onto a support pillow (10) (note especially Figures 3 and 4). The skilled artisan would have found it obvious at the time the invention was made to wrap an infant in a blanket prior to placing the infant onto the respective support pillows of Pullman '453 and Wallis '765 in order to ensure enhanced comfort for the infant.

8. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman '453 in view of Matthews et al. '720. Pullman '453 is considered to disclose all of the claimed limitations as recited in claims 14-18 except for the use of a transparent covering having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end, a top end with an opening and a pair of handles coupled thereto, a fastener to close the opening, and further wherein the covering has a shape that closely matches the shape of the support pillow. Matthews et al. '720 provide the basic teaching of a support pillow (50) including a transparent covering (68) having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end (72), a top end (70) with an opening and a pair of handles (78) coupled thereto, a fastener (contained in elements 78) to close the opening, and further wherein the covering has a shape that closely matches the shape of the support pillow (as shown in Figure 15). The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Pullman '453 with a transparent covering having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end, a top end with an opening and a pair of handles coupled thereto, a fastener to close the opening,

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and further wherein the covering has a shape that closely matches the shape of the support pillow in order to facilitate transport of the pillow.

9. Claims 14-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallis '765 in view of Matthews et al. '720. Wallis '765 is considered to disclose all of the claimed limitations as recited in claims 14-17, 19, and 20 except for the use of a transparent covering having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end, a top end with an opening and a pair of handles coupled thereto, a fastener to close the opening, and further wherein the covering has a shape that closely matches the shape of the support pillow. Matthews et al. '720 provide the basic teaching of a support pillow (50) including a transparent covering (68) having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end (72), a top end (70) with an opening and a pair of handles (78) coupled thereto, a fastener (contained in elements 78) to close the opening, and further wherein the covering has a shape that closely matches the shape of the support pillow (as shown in Figure 15). The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Wallis '765 with a transparent covering having an open interior sized to receive and hold the support pillow, wherein the covering has a bottom end, a top end with an opening and a pair of handles coupled thereto, a fastener to close the opening, and further wherein the covering has a shape that closely matches the shape of the support pillow in order to facilitate transport of the pillow.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matthews Brown '953, Leach '590, Morgillo '165, Ross '665, Becker et al. '067, Davis '525, Carew et al. '465, Gebhard et al. '066, Donahue '785, Alivizatos '237, Leach '514, Byrn '005, Mason et al. '937, Bosc '153, and Kurry '407.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
March 21, 2004